

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

UNITED STATES OF AMERICA)	Criminal Number 2: 17-cr-0283
)	
)	
-versus-)	ORDER
)	
)	
ZAKARYIA ABDEL ABDIN)	

This matter is before by motion of the Defendant, made with the consent of the United States of America (“government”), for a continuance in this case until the next term of court. The Defendant requested the continuance because the case involves classified information, which may fall under the Classified Information Procedures Act of 1980, 18 U.S.C. App. III. Sections 1-16 (CIPA), and because discovery is ongoing.

Under the Speedy Trial Act, the government is required to try a defendant within seventy days of indictment, or of arraignment. See Title 18, United States Code, § 3161(c)(1); *United States v. Thomas*, 55 F.3d 144 (4th Cir. 1995). The Defendant was arrested on a Complaint filed on March 31, 2017, which charged a violation of Title 18 United States Code, § 2339B (attempting to provide material support to a foreign terrorist organization). On April 4, 2017, the Defendant was indicted by the grand jury and he was arraigned on April 4, 2017

Under the Speedy Trial Act, certain periods of delay are permissible. See Title 18, United States Code, § 3161(h)(1); *United States v. Fields*, 39 F.3d 439 (3rd Cir. 1994). Delays of time attributable to specific events are excluded under the terms of the Act, including the filing of motions. See Title 18, United States Code, §3161(h)(1)(D); *United States v. Riley*, 991 F.2d 120 (4th Cir. 1993); *United States v. Dourlois*, 107 F.3d 248 (4th Cir. 1997); *Henderson v. United States*, 476 U.S. 321 (1986). In this case, the Defendant filed motions for discovery on April 6,

2017. *United States v. Feurtado*, 191 F.3d 420, 426 (4th Cir. 1999) (various overlapping discovery motions excludable); *United States v. Nesbitt*, 464 F. App'x 89, 90 (4th Cir. 2012) (defendant did not establish a Speedy Trial Act violation as his filing of motions for discovery tolled the time limitations).

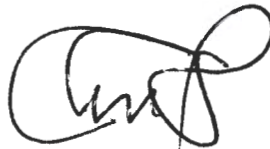
Additionally, the Court has previously entered an Order to Continue, which also secures a delay. See Title 18, United States Code, § 3161(h)(7)(A);

Further, because this is a case which involves CIPA, there are additional complexities. Here, because of the classified nature of the discovery in the case and the factors relating to the dissemination of that information, I find that the nature of the prosecution is such that “it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established....” Title 18, United States Code, § 3161(h)(7)(B)(ii).

Therefore, under the provisions of the Speedy Trial Act of 1974, I find that the ends of justice served by the continuance outweigh the best interests of the public and the Defendant in a speedy trial.

It is therefore ORDERED that the above-case is continued from the current term of court until the January 2018 term of court.

AND IT IS SO ORDERED.



RICHARD M. GERGEL
UNITED STATES DISTRICT JUDGE

At Charleston, South Carolina
This 2nd day of October, 2017.